

*Application No. 10/804,425***REMARKS**

Claims 33-38 are pending in the application with claims 33, 35, and 37 amended herein. The amendments made herein merely comply with the requirement of form expressly set forth in the Office Action. The remaining remarks pertain to new grounds of rejection which were first presented in the Office Action. Thus, good and sufficient reasons exist why such remarks are necessary and could not be earlier presented. Applicant requests entry of the amendments and consideration of the remarks under 35 C.F.R. 1.116(b)(1) and (3).

Claims 33-38 stand rejected under 35 U.S.C. 112, second paragraph, as being indefinite. Without admitting to the propriety of the rejection, Applicant herein amends claims 33, 35, and 37 addressing the alleged indefiniteness. Applicant requests withdrawal of the indefiniteness rejection in the next Office Action.

Claims 33-38 stand provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over specified claims of the co-pending applications as listed on page 3 of the Office Action. Applicant notes that all other grounds for rejection are believed to be overcome herein and thus requests withdrawal of the provisional obviousness-type double patenting rejection in the next Office Action.

Claims 33-38 stand rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over specified claims of the allowed applications as listed on page 4 of the Office Action. Applicant notes that U.S. Patent Application No. 10/881,047 recently issued


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as U.S. Patent No. 6,989,052. Also, the issue fee has been paid for U.S. Patent Application No. 10/898,432 and Applicant expects a patent to issue shortly. Accordingly, without admitting to the propriety of the rejection, Applicant herewith submits a timely filed terminal disclaimer overcoming the double patenting rejection.

Applicant herein establishes adequate grounds supporting patentability of claims 33-38 and requests allowance of all pending claims in the next Office Action.

Respectfully submitted,

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